

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff,

-against-

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

Defendants.

17-cv-00091(PKC)(ST)

**AFFIDAVIT IN SUPPORT OF
MOTION FOR DEFAULT
JUDGMENT**

STATE OF NEW YORK)
)
) ss.
COUNTY OF WESTCHESTER)

DAVID C. SAPP, ESQ., being duly sworn, deposes and says as follows:

1. I am the attorney for Amalgamated Life Insurance Company ("Plaintiff") in the above-captioned interpleader action, am duly admitted to practice law in the State of New York and before this Court, and am fully familiar with the facts and prior proceedings had herein.

2. I submit this Affidavit in support of Plaintiff's Motion for Default Judgment and for entry of a Default Judgment against Defendant Eunel Tannis-Boatswain and Defendant Rosaval Boatswain and Defendant Meloni Boatswain in this action, and in compliance with Rule 55(b)(2) of the Federal Rules of Civil Procedure and Rule 55.2 of the Local Civil Rules of this Court.

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1335.

4. This Court further has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as the benefits at issue are subject to the federal Interpleader Act.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1397 because a substantial part of the events or omissions giving rise to the claim set forth herein occurred in this jurisdiction and one of the Defendants resides within this jurisdiction.

6. This action was commenced on January 6, 2017 by filing of the Complaint with the Court. A true copy of the Summons and Complaint is annexed hereto as **Exhibit A**.

7. Defendant Eunel Tannis-Boatswain was served in this action with copies of the Summons and Complaint by personal service upon Defendant Eunel Tannis-Boatswain at her usual place of abode on January 10, 2017, and proof of such service was filed with the Court on January 19, 2017. A true copy of the Affidavit of Service of the Summons and Complaint on Defendant Eunel Tannis-Boatswain is annexed hereto as **Exhibit B**.

8. Defendant Rosaval Boatswain was served in this action with copies of the Summons and Complaint by personal service upon her daughter Keisha Boatswain, a co-resident of Defendant Rosaval Boatswain, at Defendant Rosaval Boatswain's usual place of abode on March 2, 2017, and by mailing a copy of the Summons and Complaint by first-class mail to Defendant Rosaval Boatswain at her usual place of abode on March 2, 2017. Service was made pursuant to Rule 4(e)(2)(B) of the Federal Rules of Civil Procedure, and proof of such service was filed with the Court on March 22, 2017. A true copy of the Affidavit of Service of the Summons and Complaint on Defendant Rosaval Boatswain is annexed hereto as **Exhibit C**.

9. Defendant Meloni Boatswain was served in this action with copies of the Summons and Complaint by personal service upon Betty Speights, Defendant Meloni Boatswain's mother and co-resident of Defendant Meloni Boatswain, at Defendant Meloni

Boatswain's usual place of abode on March 2, 2017, and by mailing a copy of the Summons and Complaint by first-class mail to Defendant Meloni Boatswain at her usual place of abode on March 2, 2017. Service was made pursuant to Rule 4(e)(2)(B) of the Federal Rules of Civil Procedure, and proof of such service was filed with the Court on March 22, 2017. A true copy of the Affidavit of Service of the Summons and Complaint on Defendant Meloni Boatswain is annexed hereto as **Exhibit D**.

10. This action seeks to have this Court determine and declare the rights of Defendants, and each of them, to the proceeds of a Life Insurance Policy issued by Plaintiff and seeks to have this Court determine to whom Plaintiff should pay the proceeds of the Life Insurance Policy at issue in the action.

11. The instant application to this Court for the entry of a Default Judgment seeks a judgment against Defendant Eunel Tannis-Boatswain, dismissing Defendant Eunel Tannis-Boatswain from this action, and enjoining and restraining Defendant Eunel Tannis-Boatswain and her agents, attorneys, representatives, assigns and all other persons claiming by, through, or under her or any of them, from instituting or prosecuting further any proceeding in this Court or any other court of law or in equity against the Plaintiff on account of the Life Insurance Policy at issue in this action.

12. The instant application to this Court for the entry of a Default Judgment seeks a judgment against Defendant Rosaval Boatswain dismissing Defendant Rosaval Boatswain from this action, and enjoining and restraining Defendant Rosaval Boatswain and her agents, attorneys, representatives, assigns and all other persons claiming by, through, or under her or any of them, from instituting or prosecuting further any proceeding in this Court or any other court of

law or in equity against the Plaintiff on account of the Life Insurance Policy at issue in this action.

13. The instant application to this Court for the entry of a Default Judgment seeks a judgment against Defendant Meloni Boatswain dismissing Defendant Meloni Boatswain from this action, and enjoining and restraining Defendant Meloni Boatswain and her agents, attorneys, representatives, assigns and all other persons claiming by, through, or under her or any of them, from instituting or prosecuting further any proceeding in this Court or any other court of law or in equity against the Plaintiff on account of the Life Insurance Policy at issue in this action.

14. The time for Defendant Eunel Tannis-Boatswain to answer or otherwise move with respect to the Complaint has expired and, to date, Defendant Eunel Tannis-Boatswain has failed to appear, answer or otherwise move with respect to the Complaint.

15. Defendant Eunel Tannis-Boatswain has not requested any extensions of time to appear, answer, or otherwise move with respect to the Complaint.

16. Defendant Eunel Tannis-Boatswain has defaulted in appearance in the within action, which default has been duly noted by the Clerk of this Court as reflected in the Clerk's Certificate annexed to these papers. A true copy of the Clerk's Certificate is annexed hereto as **Exhibit E.**

17. Defendant Eunel Tannis-Boatswain is not an infant or incompetent person or in the military service of the United States.

18. The time for Defendant Rosaval Boatswain to answer or otherwise move with respect to the Complaint has expired and, to date, Defendant Rosaval Boatswain has failed to appear, answer or otherwise move with respect to the Complaint.

19. Defendant Rosaval Boatswain has not requested any extensions of time to appear, answer, or otherwise move with respect to the Complaint.

20. Defendant Rosaval Boatswain has defaulted in appearance in the within action, which default has been duly noted by the Clerk of this Court as reflected in the Clerk's Certificate annexed to these papers. *See, Exhibit E.*

21. Defendant Rosaval Boatswain is not an infant or incompetent person or in the military service of the United States.

22. The time for Defendant Meloni Boatswain to answer or otherwise move with respect to the Complaint has expired and, to date, Defendant Meloni Boatswain has failed to appear, answer or otherwise move with respect to the Complaint.

23. Defendant Meloni Boatswain has not requested any extensions of time to appear, answer, or otherwise move with respect to the Complaint.

24. Defendant Meloni Boatswain has defaulted in appearance in the within action, which default has been duly noted by the Clerk of this Court as reflected in the Clerk's Certificate annexed to these papers. *See, Exhibit E.*

25. Defendant Meloni Boatswain is not an infant or incompetent person or in the military service of the United States.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff's Motion for Default Judgment against Defendant Eunel Tannis-Boatswain and Defendant Rosaval Boatwain and Defendant Meloni Boatwain, and that said Judgment be duly entered by the Clerk.

Dated: September 15, 2017
White Plains, New York

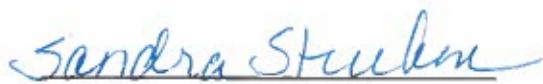


David C. Sapp (DS5781)

Attorney for Plaintiff

333 Westchester Avenue
North Building - First Floor
White Plains, New York 10604
Telephone: (914) 367-5576:
dsapp@amalgamatedlife.com

Sworn to before me this 15th
day of September 2017



Sandra Stueben
Notary Public

SANDRA STUEBEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ST6225743
Qualified In Dutchess County
My Commission Expires July 26, 2018

EXHIBIT A

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York:

AMALGAMATED LIFE INSURANCE COMPANY,

)
)
)
)

Plaintiff(s)

v.

Civil Action No. 17cv91

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

)
)
)
)

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Keisha Boatswain
20921 Hollis Avenue
Queens Village, New York 11429

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.
333 Westchester Avenue
North Building-First Floor
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/6/2017

DOUGLAS C. PALMER
CLERK OF COURT

s/Priscilla Bowens
Signature of Clerk or Deputy Clerk



Case 1:17-cv-00091-PKC-ST Document 8 Filed 01/06/17 Page 2 of 10 PageID #: 20

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 3)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any)
was received by me on (date) _____.

- I personally served the summons on the individual at (place),
on (date) _____; or
- I left the summons at the individual's residence or usual place of abode with (name),
, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or
- I served the summons on (name of individual)
designated by law to accept service of process on behalf of (name of organization),
on (date) _____; or
- I returned the summons unexecuted because _____; or
- Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Case 1:17-cv-00091-PKC-ST Document 8 Filed 01/06/17 Page 3 of 10 PageID #: 21

AO 440 (Rev. 06/13) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff(s)

v.

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

Defendant(s)

Civil Action No. 17cv91

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Kawesi Boatswain
110 Majestic Oaks Way S.W.
Atlanta, Georgia 30331

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.
333 Westchester Avenue
North Building-First Floor
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/6/2017

DOUGLAS C. PALMER
CLERK OF COURT

s/Priscilla Bowens

Signature of Clerk or Deputy Clerk



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AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any)
was received by me on (date) _____.

I personally served the summons on the individual at (place) _____

on (date) _____; or

I left the summons at the individual's residence or usual place of abode with (name) _____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual)
designated by law to accept service of process on behalf of (name of organization) _____, who is

on (date) _____; or

I returned the summons unexecuted because _____; or

Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0 00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff(s)

v.

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

Defendant(s)

Civil Action No. 17cv91

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Eunel Tannis-BoatSwain
1628 East 92nd Street
Brooklyn, New York 11236

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.
333 Westchester Avenue
North Building-First Floor
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/6/2017

DOUGLAS C. PALMER
CLERK OF COURT

s/Priscilla Bowens

Signature of Clerk or Deputy Clerk



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AO 440 (Rev. 06/13) Summons in a Civil Action (Page 3)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)*
was received by me on *(date)*

I personally served the summons on the individual at *(place)*

on *(date)* ; or

I left the summons at the individual's residence or usual place of abode with *(name)*

, a person of suitable age and discretion who resides there,
on *(date)* , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* , who is
designated by law to accept service of process on behalf of *(name of organization)*

on *(date)* ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date:

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Case 1:17-cv-00091-PKC-ST Document 8 Filed 01/06/17 Page 7 of 10 PageID #: 25

AO 440 (Rev. 06/13) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,)

)

)

Plaintiff(s)

)

v.

)

Civil Action No. 17cv91

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

)

Defendant(s)

)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Rosaval Boatswain
55 Onderdonk
Warwick, New York 10990

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.
333 Westchester Avenue
North Building-First Floor
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/6/2017



DOUGLAS C. PALMER
CLERK OF COURT

s/Priscilla Bowens

Signature of Clerk or Deputy Clerk

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Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (j))

This summons for (name of individual and title, if any)
was received by me on (date) _____.

I personally served the summons on the individual at (place)

on (date) _____; or

I left the summons at the individual's residence or usual place of abode with (name)
, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual)
designated by law to accept service of process on behalf of (name of organization)

on (date) _____; or

I returned the summons unexecuted because _____; or

Other (specify): _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Case 1:17-cv-00091-PKC-ST Document 8 Filed 01/06/17 Page 9 of 10 PageID #: 27

AO 440 (Rev. 06-12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

AMALGAMATED LIFE INSURANCE COMPANY,)

)

Plaintiff(s))

v.)

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

Civil Action No. 17cv91

Defendant(s))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Meloni BoatSwain
550 Okeechobee Boulevard
West Palm Beach, Florida 33401

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David C. Sapp, Esq.
333 Westchester Avenue
North Building-First Floor
White Plains, New York 10604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/6/2017



DOUGLAS C. PALMER
CLERK OF COURT

s/Priscilla Bowens

Signature of Clerk or Deputy Clerk

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AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (j))

This summons for *(name of individual and title, if any)*
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)*

on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)*,
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)*,
designated by law to accept service of process on behalf of *(name of organization)*,
, who is

on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0 00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Case 1:17-cv-00091 Document 1 Filed 01/06/17 Page 1 of 6 PageID #: 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff,

-against-

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

Defendants.

COMPLAINT

Plaintiff, by its attorney David C. Sapp, Esq., for its interpleader complaint respectfully
allege as follows:

NATURE OF ACTION

1. This is an action in interpleader brought under Sections 1335, 1397, and 2361, Title 28, United States Code, 28 U.S.C. § 1335, 1397, and 2361.

JURISDICTION AND VENUE

2. Two or more adverse claimants in this action are of diverse citizenship, and the amount in controversy exceeds \$500.00 as hereinafter more fully appears. This Court has jurisdiction of this cause and venue is proper in this district and division pursuant to 28 U.S.C. § 1397.

THE PARTIES

3. Plaintiff Amalgamated Life Insurance Company ("Amalgamated Life") is a life insurance company organized and existing under the laws of the State of New York and is a

Case 1:17-cv-00091 Document 1 Filed 01/06/17 Page 2 of 6 PageID #: 2

citizen of the State of New York and having its principal place of business at 333 Westchester Avenue, North Building, White Plains, New York 10604.

4. Upon information and belief, Defendant Keisha Boatwain is an adult resident citizen of the State of New York, residing at 20921 Hollis Avenue, Queens Village, New York 11429, which is within the Eastern District of New York, and where she may be served with process of this Court

5. Upon information and belief, Defendant Kawesi Boatwain is an adult resident citizen of the State of Georgia, residing at 110 Majestic Oaks Way S.W., Atlanta, Georgia 30331, where he may be served with process of this Court.

6. Upon information and belief, Defendant Eunel Tannis-Boatwain is a resident of the State of New York, residing at 1628 East 92nd Street, Brooklyn, New York 11236, which is within the Eastern District of New York, and where she may be served with process of this Court.

7. Upon information and belief, Defendant Rosaval Boatwain is a resident of the State of New York, residing at 56 Onderdonk, Warwick, New York 10990, where she may be served with process of this Court.

8. Upon information and belief, Defendant Meloni Boatwain is an adult resident of the State of Florida residing at 550 Okeechobee Boulevard, West Palm Beach, Florida 33401, where she may be served with process of this Court.

AS FOR THE FIRST INTERPLEADER CLAIM

9. Upon information and belief, plaintiff Amalgamated Life, pursuant to an agreement with Correction Captains Association ("the Association") issued a life insurance contract providing a group life insurance benefit to participants in the Association. Such contract provided that plaintiff Amalgamated Life would pay on behalf of its insured Kenneth A. Boatwain, a participant in the Association, under the group life benefit policy number 260B98 ("the Policy") a total benefit of \$30,000.00 plus interest thereon in the event of the death of Mr. Boatwain. The Policy thus created a fund in the principal amount of \$30,000.00 payable to a beneficiary upon the death of Mr. Boatwain.

10. Upon information and belief, Mr. Boatwain died on October 25, 2016

11. Upon information and belief, Amalgamated Life's review of the business records maintained by Amalgamated Life and the Association disclosed that, on or about October 15, 2003, Mr. Boatwain executed an Association Benefits Fund Enrollment Form ("Enrollment Form") identifying defendant Meloni Boatwain and defendant Keisha Boatwain as his daughters and defendant Kawesi Boatwain as his son and identifying defendant Keisha Boatwain and defendant Kawesi Boatwain as the designated beneficiaries of the group life benefit under the Policy at issue herein.

12. Upon information and belief, Amalgamated Life's review of the business records maintained by Amalgamated Life and the Association disclosed that on or about March 1, 2006 Mr. Boatwain executed an Association Benefits Fund Enrollment Form ("the 2006 Enrollment Form") identifying defendant Eunel Tannis-Boatwain as his spouse. The 2006 Enrollment Form did not identify any other beneficiary of the group life benefit under the Policy at issue herein.

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13. By communications to Amalgamated Life staff during 2016, defendant Keisha Boatswain and defendant Eunel Tannis-Boatswain have asserted claims to the life insurance proceeds payable under Mr. Boatswain's policy.

14. Upon information and belief, no suits have been filed by any of the defendants at this time. However, plaintiff anticipates such suits to be filed by the defendants, and plaintiff recognizes its duty to defend against such suits, if any, when filed, and to pay on behalf of its insured all sums that plaintiff will become legally obligated to pay as the life insurance benefit under the group life Policy, subject to its policy limits. All of the defendants listed above have or may have claims against the life insurance proceeds described above, which will subject plaintiff to multiple and possibly conflicting claims and to a multiplicity of suits. Certain of the defendants have called on plaintiff to pay the life insurance proceeds referenced above, which, in view of the number and extent of the claims and the uncertainty as to the person or persons to whom the life insurance proceeds should be paid, and the amounts in which claims should be paid, plaintiff cannot do.

15. As a result of the multiple and conflicting claims contained in this action, plaintiff is in doubt and cannot safely determine the liability of Amalgamated Life as between the claims, without great hazard to Amalgamated Life, and plaintiff does not know to which of the defendants, if any, it may safely pay claims under the above-referenced life insurance policy since the demands that have been made by the defendants under the above-referenced policy will not suffice to settle the existing claims.

16. Unless the defendants to this action are restrained or enjoined from prosecuting suits against plaintiff Amalgamated Life, either directly or indirectly, and from any effort to

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collect from plaintiff any judgments rendered in any such suits, plaintiff and Amalgamated Life will be subjected to multiple or vexatious claims, inconsistent judgments, and will be prejudiced in the premises, and subjected to numerous suits, the outcome of which will not be properly determinative of the manner in which the limited life insurance proceeds held by plaintiff should be apportioned among the several claimants. This matter therefore falls within the purview of Section 2361, Title 28, United States Code.

PLAINTIFF SEEKS PERMISSION TO MAKE PAYMENT INTO COURT REGISTRY

17. Plaintiff Amalgamated Life requests that it be permitted to pay into the registry of this Court the sum of \$30,000.00, the principal amount due under the terms and provisions of the life insurance policy, and abides by the orders and judgments of this Court.

THEREFORE, plaintiff respectfully request that:

- A. Process be issued in the manner and form and returnable as by law required for each and all of the defendants, directed to each of the defendants, as set forth above.
- B. Each of the defendants may be ordered and commanded to interplead and to settle among themselves their respective rights and claims to the sum of \$30,000.00 due and payable under the contract of life insurance.
- C. This Court enter an order enjoining and restraining each and all of the defendants from instituting or prosecuting further any proceeding in any state or United States court on account of the life insurance policy.
- D. On final hearing, each of the defendants and their agents, attorneys, representatives, assigns and all other persons claiming by, through, or under them or any of them, be perpetually enjoined and restrained from instituting or prosecuting further any proceeding in this Court or

Case 1:17-cv-00091 Document 1 Filed 01/06/17 Page 6 of 6 PageID #: 6

any other court of law or in equity against the plaintiff Amalgamated Life on account of the policy described above.

E. The plaintiff Amalgamated Life and the Fund may be fully and finally discharged from all further liability by reason of payment of the proceeds of such life insurance policy into this Court.

F. The plaintiff Amalgamated Life may be awarded reasonable and proper attorneys' fees and court costs in connection with the filing of this complaint.

G. The Court grant such further relief as may, in its discretion, appear to be proper.

Dated: January 6, 2017
White Plains, New York

**AMALGAMATED LIFE INSURANCE
COMPANY, Plaintiff**

By: 
David C. Sapp, Esq. (DS 5781)

Attorney for Plaintiff

333 Westchester Avenue
North Building- First Floor
White Plains, New York 10604
(914) 367-5576 (voice)
(914) 367-2576 (fax)

dsapp@amalgamatedlife.com

EXHIBIT B

Case 1:17-cv-00091-PKC-ST Document 12 Filed 01/19/17 Page 1 of 2 PageID #: 34



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
AMALGAMATED LIFE INSURANCE COMPANY,

Civil Action No. 17cv91

Plaintiff(s)

AFFIDAVIT OF SERVICE

v.

KEISHA BOATSWAIN; et al.,

Defendant(s)

-----X
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

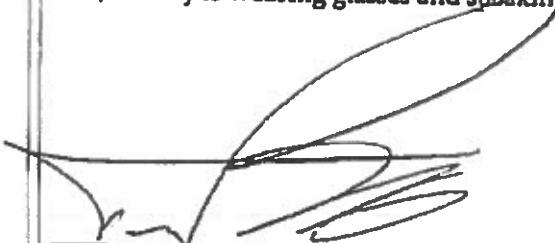
TIMOTHY M. BOTTI, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 10th day of January, 2017, at approximately the time of 1:35pm, deponent served a true copy of the SUMMONS IN A CIVIL ACTION, COMPLAINT, JUDGE PAMELA K. CHEN INDIVIDUAL PRACTICES AND RULES, INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE STEVEN L. TISCIONE, RULE 73 NOTICE AND ECF USER'S GUIDE upon EUNEL TANNIS-BOATSWAIN at 1628 East 92nd Street, Side Entrance, Brooklyn, NY 11236 by personally delivering and leaving the same with EUNEL TANNIS-BOATSWAIN at that address. At the time of service, deponent asked EUNEL TANNIS-BOATSWAIN whether she is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

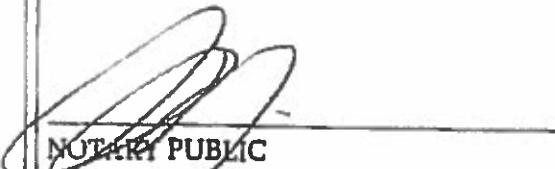
Case 1:17-cv-00091-PKC-ST Document 12 Filed 01/19/17 Page 2 of 2 PageID #: 35



EUNEL TANNIS-BOATSWAIN is a black female, approximately 61 years of age, stands approximately 5 feet 6 inches tall, weighs approximately 140 pounds with black hair, dark eyes wearing glasses and speaking with an accent.


TIMOTHY M. BOTTI, #843358

Sworn to before me this
12th day of January, 2017


NOTARY PUBLIC

JONATHAN RIPPS
Notary Public-State of New York
No. 01R1610971B
Qualified in New York County
Commission Expires May 17, 2020

EXHIBIT C

Case 1:17-cv-00091-PKC-ST Document 17 Filed 03/22/17 Page 1 of 2 PageID #: 60



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X -----
AMALGAMATED LIFE INSURANCE COMPANY,

Civil Action No. 17cv91

Plaintiff(s)

AFFIDAVIT OF SERVICE

v.

KEISHA BOATSWAIN; et al.,

Defendant(s)

----- X -----
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

NELSON CARVAJAL, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 2nd day of March, 2017, at approximately the time of 8:11am, deponent served a true copy of the SUMMONS IN A CIVIL ACTION, COMPLAINT, JUDGE PAMELA K. CHEN INDIVIDUAL PRACTICES AND RULES, INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE STEVEN L. TISCIONE, RULE 73 NOTICE AND ECF USER'S GUIDE upon ROSAVAL BOATSWAIN at 209-21 Hollis Avenue, 1st Floor, Queens Village, NY 11429 by personally delivering and leaving the same with her Daughter, KEISHA BOATSWAIN, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked KEISHA BOATSWAIN whether ROSAVAL BOATSWAIN is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

KEISHA BOATSWAIN is a black female, approximately 57 years of age, stands approximately 5 feet 4 inches tall, weighs approximately 170 pounds with brown hair and brown eyes.

Case 1:17-cv-00091-PKC-ST Document 17 Filed 03/22/17 Page 2 of 2 PageID #: 61

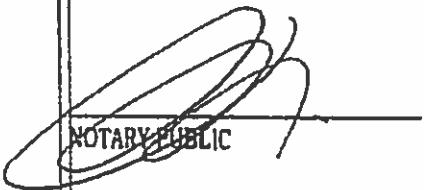


That on the 2nd day of March, 2017, deponent served another copy of the foregoing upon ROSAVAL BOATSWAIN by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

ROSAVAL BOATSWAIN
209-21 Hollis Avenue
1st Floor
Queens Village, NY 11429


NELSON CARVAJAL, #965441

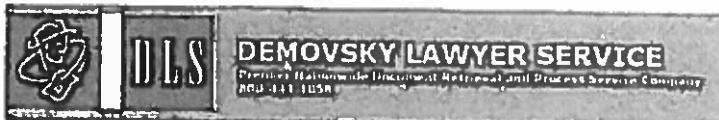

Sworn to before me this
7th day of March, 2017


NOTARY PUBLIC

JONATHAN RIPPS
Notary Public-State of New York
No. 01R16109718
Qualified in New York County
Commission Expires May 17, 2020

EXHIBIT D

Case 1:17-cv-00091-PKC-ST Document 16 Filed 03/22/17 Page 1 of 2 PageID #: 58



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
AMALGAMATED LIFE INSURANCE COMPANY,

Civil Action No. 17cv81

Plaintiff(s)

AFFIDAVIT OF SERVICE

v.

KEISHA BOATSWAIN; et al.,

Defendant(s)

-----X
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

DERICK A. MARTIN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 2nd day of March, 2017, at approximately the time of 7:45am, deponent served a true copy of the SUMMONS IN A CIVIL ACTION, COMPLAINT, JUDGE PAMELA K. CHEN INDIVIDUAL PRACTICES AND RULES, INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE STEVEN L. TISCIONE, RULE 73 NOTICE AND ECF USER'S GUIDE upon MELONI BOATSWAIN at 1687 Howard Place, Baldwin, NY 11510 by personally delivering and leaving the same with her Mother, BETTY SPEIGHTS, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked BETTY SPEIGHTS whether MELONI BOATSWAIN is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

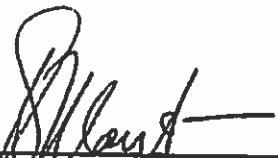
BETTY SPEIGHTS is a black female, approximately 60 years of age, stands approximately 5 feet 7 inches tall, weighs approximately 160 pounds with black hair and brown eyes.

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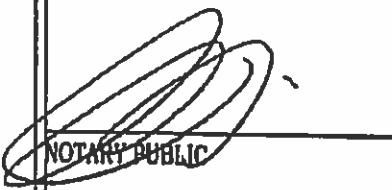
That on the 2nd day of March, 2017, deponent served another copy of the foregoing upon MELONI BOATSWAIN by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

MELONI BOATSWAIN
1887 Howard Place
Baldwin, NY 11510



DERICK A. MARTIN, #2008319

Sworn to before me this
7th day of March, 2017



NOTARY PUBLIC

JONATHAN RIPPS
Notary Public-State of New York
No. 01R16109718
Qualified in New York County
Commission Expires May 17, 2020

EXHIBIT E

Case 1:17-cv-00091-PKC-ST Document 24 Filed 08/09/17 Page 1 of 1 PageID #: 81

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMALGAMATED LIFE INSURANCE COMPANY,

Plaintiff,

-against-

KEISHA BOATSWAIN; KAWESI BOATSWAIN;
EUNEL TANNIS-BOATSWAIN; ROSAVAL
BOATSWAIN; and MELONI BOATSWAIN,

Defendants.

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
7-17 AUG 09 2017
EX-ONLY FOR REVIEW
5:17-cv-00091(PKC)(ST)

**CERTIFICATE
OF DEFAULT**

I, Douglas C. Palmer, Clerk of Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendants Eunel Tannis-Boatswain, Rosaval Boatswain, and Meloni Boatswain have not filed an answer or otherwise moved with respect to the complaint herein. The default of defendants Eunel Tannis-Boatswain, Rosaval Boatswain, and Meloni Boatswain is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: August 9th, 2017
Brooklyn, New York

DOUGLAS C. PALMER, Clerk of Court

By: Josie Hanley,
Deputy Clerk